

RESOLUTION NO. 2009-29

AUTHORIZING CONTRACT NO. 2009-25D WITH E.B. KATZ, INC. FOR HVAC TRADES UNDER PROJECT 24H - PURITAS/W. 150<sup>TH</sup> ST. STATION RECONSTRUCTION IN THE AMOUNT OF \$194,000.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deems it necessary to acquire construction services for HVAC Trades, as provided under Project 24H-Puritas/W. 150<sup>th</sup> St. Station; and

WHEREAS, the bid of E.B. Katz, Inc. located at 930 E. 70<sup>th</sup> Street, Cleveland, Ohio 44103 was received on April 2, 2009 in the amount of one hundred ninety four thousand & 00/100 dollars (\$194,000.00) to perform said services; and

WHEREAS, the General Manager/Secretary-Treasurer deems the bid of E.B. Katz, Inc. to be the lowest responsive bid from a responsible bidder for said services and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the bid of E.B. Katz, Inc. for Project 24H-HVAC Trades for the Puritas/W. 150<sup>th</sup> St. Station Reconstruction be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with E.B. Katz, Inc. for Project 24H-HVAC Trades for the Puritas/W. 150<sup>th</sup> St. Station Reconstruction

Section 3. That said contract is payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to ARRA Capital Grant OH-56-0002 in the amount of \$194,000.00 (100% Federal funds). This contract is contingent upon FTA approval of funds under the American Recovery and Reinvestment Act of 2009 and receipt of those grant funds.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, thereto, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2008-061; bonding and insurance requirements and all applicable laws relating to the contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that E.B. Katz, Inc. will exceed the 20% DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: April 21, 2009

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

<b>TITLE/DESCRIPTION:</b> CONTRACT: HVAC TRADES UNDER PROJECT 24H - PURITAS/W. 150 <sup>TH</sup> ST. STATION RECONSTRUCTION  VENDOR: E. B. KATZ, INC.  AMOUNT: \$194,000.00	Resolution No.: 2009-29
	Date: April 16, 2009
	Initiator: Engineering & Project Development
<b>ACTION REQUEST:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE:** This action will allow the Authority to enter into a contract to provide construction services for the HVAC Trades portion of Project 24H-Puritas/W. 150<sup>th</sup> St. Station Reconstruction.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This project will provide the HVAC Trades portion of the reconstruction of the Red Line Station at the Puritas/W. 150<sup>th</sup> St. location. The 24H reconstruction project will totally replace the existing station with overhead connecting bridges in place of the tunnel, and facilities with ADA compliance.
- 3.0 **PROCUREMENT BACKGROUND:** The Invitation for Bid (IFB) was posted on the GCRTA Procurement web site and advertised in the local newspapers. Solicitation packages were requested by a total of 34 prospective bidders. On April 2, 2009, 18 bidders submitted a total of 24 bids that included four bids for Entire Work, seven bids for General Trades, three bids for Plumbing Trades, four bids for HVAC Trades, and six bids for Electrical Trades. (See Attachment A)

Award of this contract is to the lowest responsive and responsible bid for this trade (class of work). This award is one of the multiple awards being proposed because the sum of these individual trade bid is less than any bid for the Entire Work.

As a result of the above, the following bids were determined to be the lowest responsive and responsible bids received for Project 24H:

• Cold Harbor Building Company	General Trades	\$8,093,000.00
• Ullman Electric	Electrical Trades	\$1,042,000.00
• Reliance Mechanical	Plumbing Trades	\$212,600.00
• E.B. Katz, Inc.	HVAC Trades	\$194,000.00
• <b>Total of All Trades</b>		<b>\$9,541,600.00</b>

The lowest Entire Work bid was received from Cold Harbor Building Co. in the amount of \$9,588,000.00.

The Engineer's Estimate is \$8,744,568.00. The total of the multiple primes (all trades) amount of \$9,541,600.00 is 9% higher than the Engineer's Estimate. Award is allowable where the total of all contracts for the project is less than 10% above the estimate thereof, as provided in Ohio Revised Code 153.12.

The above circumstances support award of each class of work in this instance for Project 24H.

E.B. Katz has completed several construction projects for the Authority, including the reconstruction of the Triskett and Hayden Bus Garages.

A price analysis was performed and the Procurement Department determined the Total Lump Sum Price bid received from E.B. Katz, Inc. for the HVAC Trades to be fair and reasonable.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 20% DBE participation goal was established for this procurement. E. B. Katz, Inc. has committed to achieving the goal through a supplier arrangement with East-West Construction Company, Inc. (Asian-Pacific) in an amount of \$65,000 for the purchase of HVAC equipment and controls. This equates to \$39,000 or 20.1% in DBE participation under federal guidelines, which provides that only 60% of the dollar value of a supply contract may be counted toward DBE participation.
- 5.0 POLICY IMPACT: None
- 6.0 ECONOMIC IMPACT: This procurement will be funded from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to ARRA Capital Grant OH-56-0002, Line Item 12.34.02 in the amount of \$194,000.00 (100% Federal funds). This contract is contingent upon FTA approval of funds under the American Recovery and Reinvestment Act of 2009 and receipt of those grant funds.
- 7.0 ALTERNATIVES: Reject this bid. Rejection of this award would delay the Authority's ability to ensure ADA compliance and provide reconstructive improvements at the Station.
- 8.0 RECOMMENDATION: The procurement was reviewed by the Planning and Development Committee at their April 7, 2009 meeting. It is recommended that the bid of E.B. Katz, Inc. be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to enter into a contract.
- 9.0 ATTACHMENTS: Attachment A

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

  
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CEO, General Manager/Secretary-Treasurer

ATTACHMENT A  
 IFB NO. 2009- 25 Puritas W/150<sup>th</sup> Station Reconstruction Bid Tabulation Thursday, April 2, 2009 10:30 a.m.

COMPANY NAME	GENERAL TRADES	ELECTRICAL TRADES	PLUMBING TRADES	HVAC TRADES	ENTIRE WORK
Cold Harbor	\$8,093,000.00 20% DBE	NB	NB	NB	\$9,588,000.00 20% DBE
Panzica	\$8,400,000.00 20% DBE	NB	NB	NB	NB
Towne Center Construction	\$8,422,000.00 15% DBE	NB	NB	NB	NB
The Albert M Higley Co.	\$8,513,000.00 20% DBE		NB	NB	\$9,717,000.00 20% DBE
Regency Construction Services, Inc.	\$8,562,000.00 20% DBE	NB	NB	NB	NB
Schirmer Construction	\$9,050,000.00 20% DBE	NB	NB	NB	\$10,450,000.00 20% DBE
Ullman Electric	NB	\$1,042,000.00 20% DBE	NB	NB	NB
Lake Erie Electric	NB	\$1,175,000.00 20% DBE	NB	NB	NB
Gateway Electrical	NB	\$1,288,537.00 \$180,000 DBE	-0-	-0-	NB
Minority Electrical Co.	NB	\$1,530,000.00 100% DBE	NB	NB	NB
Reliance Mechanical	NB	NB	\$212,600.00 20% DBE	NB	NB
Gallagher	NB	NB	\$236,430.00 20% DBE	NB	NB
E. B. Katz, Inc.	NB	NB	\$313,000.00 20% DBE	\$194,000.00 20% DBE	NB
Miles Incorporate	NB	NB	NB	\$210,000.00 10% DBE	NB
T. H. Martin, Inc.	NB	NB	NB	\$216,000.00 \$52,000 DBE	NB

**NON-RESPONSIVE BIDS RECEIVED**

COMPANY NAME	GENERAL TRADES	ELECTRICAL TRADES	PLUMBING TRADES	HVAC TRADES	ENTIRE WORK
Doan Pyramid, LLC	-0-	\$827,000.00 \$165,400.00 DBE *Note (1)	-0-	-0-	-0-
East West Construction	\$9,618,000.00 20.1% DBE	NB	NB	NB	\$8,623,000.00 20.1% DBE *Note (2)
Fowler	NB	\$1,045,000.00 20% DBE	NB	\$140,000.00 No DBE *Note (3)	NB

**NOTES:**

1. Doan Pyramid, the apparent low bid for the Electrical Trades claimed a mistake in bid. Their bid was determined to be non-responsive and rejected.
2. East West Construction, the apparent low bid for the Entire Work claimed a mistake in bid. Their bid was determined to be non-responsive and rejected.
3. The bid received from the Fowler Company for the HVAC Trades failed to include DBE participation in its bid. Their bid was determined to be non-responsive and rejected.

**RECOMMENDED AWARD – MULTIPLE PRIME CONTRACTS**

COMPANY NAME	GENERAL TRADES	ELECTRICAL TRADES	PLUMBING TRADES	HVAC TRADES	TOTAL
	Cold Harbor	Ullman Electric	Reliance Mechanical	E. B. Katz, Inc.	
AMOUNT/DBE	\$8,093,000.00 20% DBE	\$1,042,000.00 20% DBE	\$212,600.00 20% DBE	\$194,000.00 20% DBE	\$9,541,600.00